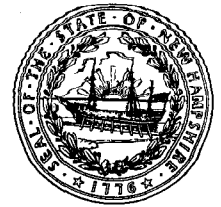




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
SP 05-011

November 21, 2005

Richard and Claire Mailloux
1171 North Indianapolis Ave
Hernado, FL 34442

RE: DES Wetlands File #2005-01991 104 Pierce Lake Rd, Antrim
Tax Map/ Lot# 7A/66-6

Dear Mr. and Mrs. Mailloux:

On November 15, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Antrim Tax Map 7A as Lot 66-6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B and NH Code of Admin. Rules Env-Ws 1400- 1411 and RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A gravel road, which is an accessory structure in accordance with RSA483-B, was constructed from the primary residence down to the lake, which exceeds the allowable foot print and setbacks for an accessory structure. Accessory structures can not exceed 150 square feet in area when located between 20 and 50 feet of the reference line (normal high water mark). No accessory structures can be located within 20 feet of the reference line.
2. The gravel road had recently washed out, depositing material along the shoreline and into Franklin Pierce Lake. There were three (3) separate areas in which washout material from the gravel road was documented below the normal high water mark:
 - a. Area 1 covered approximately 500 square feet and was located to the left and south along the immediate shoreline of a dock and deck platform;
 - b. Area 2 covered approximately 350 square feet and was located to the right and north of the dock;
 - c. Area 3 covered approximately 650 square feet and was located in a small cove area adjacent to the abutting lot to the north;
3. A culvert was documented under the gravel road located in the PSNH ROW which conveys a jurisdictional drainage. There are potential side slope impacts to a jurisdictional wetland associated with the culvert crossing.
4. A dock measuring approximately 4 ft x 32 ft was documented in the lake, attached to an 8.5 ft x 16 ft deck, located along the immediate shoreline. The seasonal dock notification was disqualified. The deck is an accessory structure and therefore needs to be located a minimum of 20 feet back from the reference line and not exceed 150 square feet in size.
5. A stone jetty measuring approximately 6 ft x 18 ft, was documented along the north side of the docking structure in the lake bed;

In response, you are requested to take the following actions:

1. Immediately have erosion controls installed along the shoreline to minimize the potential for additional sediment to enter the lake and within 10 days of the date of this letter submit to DES photo documentation the site been temporarily stabilized.
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal of the sediment located below the normal high water mark and removal of the rock jetty on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries and the reference line; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. DES will require the removal of sediments from the lakebed be accomplished prior the spring of 2006.
3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.
5. Within 45 days of the date of this Letter of Deficiency, have the deck relocated a minimum of 20 feet back from the reference line and have the dock removed from the lake bed and submit photo documentation the deck has been relocated and the dock was removed.
6. Within 45 days of receipt of this Letter of Deficiency, submit a second restoration plan to DES for review and approval. Have the second restoration plan prepared by a certified wetland scientist or qualified environmental consultant, and include provisions for removal of all portions of the gravel road located within 50 feet of the reference line, and removal of the culvert and any fill placed within jurisdictional wetlands and reestablishment of the well distributed woodland buffer within 150 feet of the reference line on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries and the reference line; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. DES will require the removal of sediments from the lakebed be accomplished prior to the spring of 2006.
 - d. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
7. Retain a qualified wetland scientist or environmental consult to supervise the implementation of the second restoration plan and to submit the restoration progress reports.

8. Implement the second restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7005 0390 0001 8424 3044

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Antrim Conservation Commission
Antrim Board of Selectmen
Jeff Parsons, Town Of Antrim
USACOE